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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/587,445

07/25/2006

Dieter Ramsauer

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10/14/2009

REED SMITH, LLP

ATTN: PATENT RECORDS DEPARTMENT

599 LEXINGTON AVENUE, 29TH FLOOR

NEW YORK, NY 10022-7650

EXAMINER

MORGAN, EMILY M

ART UNIT

PAPER NUMBER

3677

MAIL DATE

DELIVERY MODE

10/14/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/587,445	Applicant(s) RAMSAUER, DIETER	
	Examiner EMILY M. MORGAN	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30,31,34-36,53 and 54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30,31,34-36,53 and 54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 August 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 30, 31, 34-36, 42, 53, 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over patent 6286185 Ramsauer in view of patent 1950205 to Young, and further in view of patent 5435159 to Ramsauer.

Regarding claim 30, '185 to Ramsauer discloses:

A hinge (figure 1) comprising: at least one hinge part 12 which can be mounted in an opening in a thin wall such as a sheet-metal cabinet door (abstract); a head part, such as a flange or hinge leaf (hinge part 12 is a hinge leaf, column 4, line 66), which overlaps a rim of the opening of the thin wall on an outer side (figures 24, 11, 22); a body part 240 (figures 11, 14) which proceeds from the head part (or leaf, figure 11) and can be pushed through the opening in the thin wall 160 (figure 11); and a holding part (nut 280) which is carried by the body part 240 (figure 11), supported on another rear side of the thin wall by article 280 (figure 11), and is separate from the body part 240, shown alone in figure 14. Ramsauer discloses using a nut and screw combination to attach the hinge to a surface. Ramsauer does not disclose the use of holding elements with inclined surfaces, or the rectangular opening.

Young discloses an alternative and similar connecting device. Young discloses:

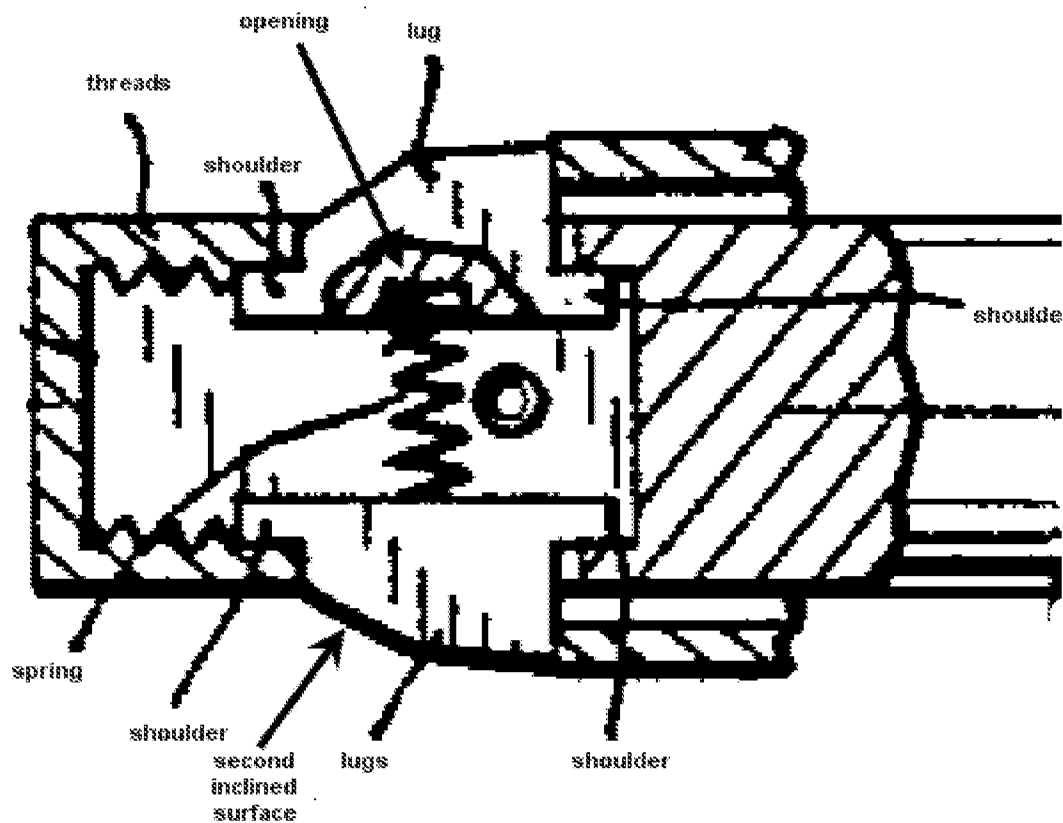
a head part 36, such as a flange, which overlaps a rim of the opening of the thin wall on an outer side (figure 2);
a body part 35 which proceeds from the head part 36 and can be pushed through the opening in the thin wall (figure 2); and
a holding part (lugs 40) which is carried by the body part 35, supported on another rear side of the thin wall (figure 2), and is separate from the body part 35;
said holding part 40 being formed by holding elements (lugs) which project in a resilient manner (via spring 41) from the body part 35 in the direction of its outer surface

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(figure 5) and whose free end has a second inclined surface 42 which enables the holding part and the body part to be pushed through the opening, the inclined surface being inclined with respect to a plane of the thin wall (figure 1);

wherein the holding elements (lugs) are formed by two flat metal pieces lying next to one another, each metal piece having a rectangular opening or breakthrough (for the lug to expand through the surface of the attachment device), these two openings or breakthroughs together forming a rectangular space which receives a spiral pressure spring 41 by at least a portion of its diameter.

Please see the designations of figure 5, as shown below. Young discloses a singular inclined surface on each holding part, which allows for easy insertion. Young does not disclose a second inclined surface.



It would have been obvious to one of ordinary skill in the art at the time of the invention to use a pin such as Young in the Ramsauer device. Young discloses a

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known method of attaching two items, which can be considered an alternative of the standard screw and nut as taught by Ramsauer. The Young pin would be inserted into the Ramsauer hinge much like the screw of figure 11, expand after leaving the side walls 16 and prevent the lengthwise movement of the pin, and therefore prevent the separation of the two articles.

The '159 to Ramsauer discloses an attachment device using two inclined surfaces on protruding article 901, resulting in an angle 90 (figure 6). This is done for "supporting the body part without play on the frame of the opening", according to applicant in [0009], who is also the inventor of the '159 reference.

The '185 Ramsauer device using the Young connecting article discloses the claimed invention except for the first inclined surface. It would have been obvious to one having ordinary skill in the art at the time the invention as made to incline both the surfaces of the lug 40, a change in the shape of a prior art device is a design consideration within the skill of the art. *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966). Since the '159 Ramsauer reference uses the two inclined surfaces for the purposes of ensuring a secure connection ("without play"), it would have been obvious to apply this to a connecting article. This is also the same purpose that the instant application [0086] uses the inclined surfaces. This is a known reason and purpose for this the change of shape for a similar article.

Regarding claim 31, Ramsauer as modified discloses the hinge according to claim 30, wherein two holding elements (lugs 40, Young figure 5) which are arranged

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diametrical to one another are provided and are acted upon by wedge arrangements such as a screw or bolt, as shown in Ramsauer.

Regarding claims 34 and 35, Ramsauer as modified discloses the hinge according to claim 30, but does not disclose the holding elements are slides.

Young discloses a pin having a head, latching lugs 40 that expand according the spring 41 in either direction. These are located in a channel (pin) and expand parallel to the plane of the thin wall.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use a pin such as Young in the Ramsauer hinge. This would provide an additional method to ensure that the Young pin does not get pulled out of the hinge device. The Young pin would be inserted into the Ramsauer hinge much like the screw of figure 11. Placing the inclined surface 2 would take place of the cap, keeping the latching lugs 40 of Young in the pin. Young discloses a spring 41. Applicant discloses that a spring and a pin arrangement result in a similar construction and disclose each as an alternative to each other in [0017], making those obvious variants of each other.

Regarding claim 36, Ramsauer as modified discloses the hinge according to claim 34, wherein the channel of Young has an opening edge at which the slides are supported by a shoulder (figure 5 of Young).

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Regarding claim 42, Ramsauer as modified discloses the hinge according to claim 30, wherein the holding elements of Young are formed by a metal piece or by two metal pieces lying next to one another which is/are held jointly by a spring in such a way that these two or three parts form a manageable unit that is stable in itself. These pieces are formed together as a part of pin 35 of Young, and can be used as an attachment pin in another function.

Regarding claims 53 and 54, Ramsauer as modified discloses the hinge according to claim 30, wherein a second hinge part (opposite leaf, figures 2, 11 and 25) which is swivelably connected to the first hinge part 12 (via hinge pin 44) has a construction analogous to that of the first hinge part (shown symmetrical in the figures listed above), and attaches to frame 58 on one side, and the other side to door leaf 60.

Response to Arguments

Applicant's arguments with respect to claims above have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMILY M. MORGAN whose telephone number is (571)270-3650. The examiner can normally be reached on Monday-Thursday, alternate Fri, 7:30am to 5pm EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached on 571-272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Victor Batson/
Supervisory Patent Examiner, Art Unit 3677

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/EMM/